



Attorney Docket No. 13.041

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wade Lee

Serial No. 09/891,484

Filed: June 25, 2001

For: WORKLIGHT WITH THERMAL
WARNING

Examiner: Tania C. Courson

Group Art Unit: 2859

**DECLARATION OF WADE LEE
UNDER 37 CFR 1.131**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

November 17, 2004

Dear Sir:

I, Wade Lee, declare:

1. I am the applicant in the above-captioned application.
2. I began working on my invention claimed in this application at least as early as May 2000. At that time I was in China at the factory that manufactures worklights for EML Technologies LLC, the assignee of the present application. I had the factory's printer in China try various approaches for using thermochromic inks to make a heat sensitive indicator label for use on the front bezel of a worklight. In the July and September of 2000 I visited the factory again and worked further on the thermochromic warning indicator for the worklights. At the end of September 2000 I brought a commercial prototype worklight with a fully functional warning indicator to EML's headquarters in Danville, California. The warning indicator was constructed as shown in the above-referenced patent application in FIG. 2A. The prototype was a worklight that we were showing to Sears, Roebuck & Co., and it was to become a Sears Craftsman Professional worklight, Model 83986. We shipped our first commercial production units of these worklights to Sears on or about January 13, 2001.
3. On the evening of October 1, 2000, I had dinner with Elliot Aronson and several others. Before going to dinner that evening I showed the prototype worklight with functioning thermochromic warning indicator to Elliot Aronson.

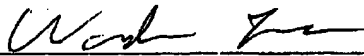
Declaration of Lee
Appln. No. 09/891,484

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11/17/04

Date



Wade Lee

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date

By

Elliot B. Aronson
Reg. No. 29,279



Attorney Docket No. 13.041

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Serial No. 09/891,484

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For: WORKLIGHT WITH THERMAL
WARNING

Examiner: Tania C. Courson

Group Art Unit: 2859

**DECLARATION OF ELLIOT B.
ARONSON
UNDER 37 CFR 1.132**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

November 17, 2004

Dear Sir:

I, Elliot B. Aronson, declare:

1. I am the attorney of record in the above-captioned application and am a principal and co-founder of EML Technologies LLC.
2. On the evening of October 1, 2000, I joined with Wade Lee and several others at the headquarters of EML Technologies in Danville, California. We were planning to meet another couple at a local restaurant for dinner. Prior to departing for dinner, Wade Lee showed me a fully operating halogen worklight that was a prototype worklight for Sears, Roebuck & Co. The worklight had a thermal warning indicator on it as described in the present patent application, which I wrote. The worklight was initially turned off. I watched as Mr. Lee mounted the worklight on a tripod and then turned on the worklight. I then watched as the worklight heated up, and I saw the warning message appear on the front bezel at the location of the warning indicator.
3. I am able to fix the date of October 1, 2000, because I have a bookkeeping entry and corresponding receipt for the dinner that evening establishing the date and identifying the couple we were meeting at the restaurant.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

11/17/04

Date

Elliot B. Aronson

Elliot B. Aronson

Express Mail Label No. ED127727126US

Date of Deposit: November 17, 2004

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

11/17/04

Date

By

Elliot B. Aronson

Elliot B. Aronson
Reg. No. 29,279